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4 Attorneys for Debtor

5 UNITED STATES BANKRUPTCY COURT
6 NORTHERN DISTRICT OF CALIFORNIA

7 IN RE: CASE No. 08-12600

8 LISA MICHELLE MINI, CHAPTER 11

9 Debtor. /

MOTION TO DETERMINE
10 STATUS OF CLAIM

Date: June 26, 2009

11 Time: 9:00 a.m.

Place: 99 South E St.
12 Santa Rosa, CA

13 TO: HONORABLE ALAN JAROSLOVSKY, UNITED STATES BANKRUPTCY JUDGE:

14 Lisa Mini, Debtor herein, hereby moves the above entitled Court
15 for an Order Determining the Secured Status of the allowed claim of
16 Downey Savings (Class 4) pursuant to Section 506 of the Code and the
17 terms of the Plan.

18 Said Motion is made on the grounds that the value of the
19 collateral (589 C Trancas St., Napa, CA) is less than the allowed
20 claim of such holder and that the claim is unsecured in part. Said
21 allowed claim is secured to the extent of \$890,000 only, and the
22 balance is unsecured.

23 Said Motion is based hereon, on the appended Declaration of
24 Lisa Mini and on the Memorandum of Points and Authorities appended
25 hereto.

26 Dated: 5/27/09

DAVID N. CHANDLER, p.c.

27 By: /s/ David N. Chandler

28 DAVID N. CHANDLER,
Attorney for Debtor

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DECLARATION OF LISA MINI

I, Lisa Mini, declare and say:

1. That if called as a witness, I am competent to testify to the within matters from my own knowledge.

2. I am the Debtor in the above captioned matter and have an opinion of value of the real property based upon my ownership thereof.

3. The real property located at 589 C Trancas St., Napa, California is real property owned by me and consists of a single family residence.

4. Said real property has a current market value of \$890,000 in my opinion. Market values have been falling consistently over the past six months to one year and the trend has not slowed down.

5. Based upon such value the allowed claim of claimant is secured to the extent of such value and unsecured as to any balance of such allowed claim.

Executed under penalty of perjury this 26th day of May, 2009 at Napa, California.

/s/ Lisa Mini
Lisa Mini, Debtor

MEMORANDUM OF POINTS AND AUTHORITIES

1. An allowed claim of a creditor secured by a lien on property in which the estate has an interest is secured to the extent of the value of such creditor's interest in the estate's interest in such property. 11 U.S.C. Section 506(a)(1).

2. To the extent that a lien secures a claim against the debtor that is not an allowed secured claim, such lien is void. Section 506(d).

1 3. Section 506(a) bifurcates a debt into secured and
2 unsecured components. The secured component is the secured debt.
3 In re Glenn, 786 F.2d 1144 (9th Cir. 1986).

4 4. The Plan confirmed in the within case specifically
5 provides for the within Motion to Determine the secured component of
6 the claim of Downey Savings, the Class 4 claimholder.

7 5. It is respectfully submitted that the value of the
8 collateral which is collateral for the claimholder is as set forth
9 herein and that is the amount of the secured component of the claim.
10 The payment provided in the Plan for said claimholder is based upon
11 the secured component of the allowed claim.

12 6. It is submitted that the collateral be valued as herein
13 provided and that the secured component of the claim be determined
14 as herein set forth.

15 Dated: 5/27/09

Respectfully submitted,

DAVID N. CHANDLER, p.c.

18 By: /s/ David N. Chandler

19 DAVID N. CHANDLER,
20 Attorney for Debtor
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